



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101**

Reply To  
Attn Of: ORC - 158

February 28, 2008

Tom Laurie  
Melissa Gildersleeve  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504

RE: Boundaries of the Swinomish Indian Reservation

Dear Tom and Melissa,

As you know, the Swinomish Indian Tribal Community (the Tribe) has applied to the U.S. Environmental Protection Agency Region 10 (EPA) for treatment in a similar manner as a State (TAS) under Section 518 of the Federal Clean Water Act (CWA) for the purpose of administering water quality standards. Most recently, the Department of Ecology (Ecology) wrote EPA by letter dated October 26, 2007, to comment on EPA's Proposed Findings of Fact concerning the relationship between non-Indian activities originating on lands within the Reservation and impairment of water quality and beneficial uses of the waters.

One comment was that Ecology staff found that the Reservation boundaries described in the Proposed Findings of Fact do not match the boundaries in Ecology's GIS layer for identifying impaired waters. Since then, EPA has been working with the Tribe to clarify the basis for the boundaries displayed in the Tribe's TAS application. Perhaps the most significant difference is explained by the fact that Ecology's GIS map does not include the tidelands of the Reservation, which extend to the extreme low tide mark, as has been affirmed by the courts. While maps in the TAS application provide a good general representation of the tideland boundaries, we recognize the actual Reservation tideland boundaries may differ from those depicted in the TAS application because the extreme low water mark is not permanently fixed. In addition, there are several features to the east of the Swinomish Channel which are within the Reservation, but are not included on the Ecology map.

Based on our discussions, the Tribe has submitted to EPA a letter with a number of attached exhibits which provide a great deal of background, including a number of historical maps and documents, and a detailed explanation of the Swinomish Reservation boundaries. I am

attaching for your information the letter from the Tribe, dated February 20, 2008, with both a paper copy of the exhibits and a CD-ROM disc which has electronic copies of the exhibits. You will find that the Washington Department of Natural Resources has looked at these features previously.

EPA would like Ecology to fully understand this information as we proceed with completing action on the TAS application. If you would like, EPA and the Tribe are prepared to visit with you in Olympia to explain the letter and exhibits. Please let me know if you would like to arrange such a meeting, and please call me with any questions at (206) 553-8203.

Sincerely,



Rich McAllister  
Office of Regional Counsel  
EPA Region 10

**Enclosures**

Letter from Emily R. Hutchinson, Tribal Attorney, to Richard McAllister, February 20, 2008, with Exhibits 1 through 26 (paper copies and on CD-ROM)

cc: Emily Hutchinson, Tribal Attorney